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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA  
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13 DOUGLAS DEES, ) 3:02-cv-00303-HDM-RAM  
14 Plaintiff, )  
15 vs. ) ORDER  
16 HELMUTH T. BILLY and GREGORY E. )  
17 GINN, )  
18 Defendants. )  
\_\_\_\_\_ )

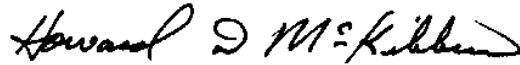
19 Before the court is the defendant's motion to determine choice  
20 of law (#110). The deadline for filing dispositive motions has not  
21 yet passed, and discovery remains ongoing.

22 Choice of law is a legal issue to be determined by the court.  
23 However, the choice of law issue in this case appears to present a  
24 mixed question of law and material facts. Application of the  
25 factors contained in § 146 of the Restatement (Second) of Conflict  
26 of Laws may therefore require resolution of disputed issues of  
27 material fact by the fact finder. Accordingly, the defendant's  
28 motion to determine choice of law (#110) at this stage of the

1 proceedings is denied. The denial of the motion is without  
2 prejudice to renew at trial.

3 IT IS SO ORDERED.

4 DATED: This 12th day of April, 2011.

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7 UNITED STATES DISTRICT JUDGE  
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